

S.B. Cr. Misc. Petition NO.356/2007

Basanti Lal
Vs.
State of Rajasthan & Ors.

Date of Order :: 11-07-2007

HON'BLE MR. JUSTICE H.R.PANWAR

Shri Pradeep Shah, for the petitioner.
Shri Ashok Upadhyay, PP.
Shri Shambhoo Singh, for the respondents.

By the instant petition under Section 482 Cr.P.C., the petitioner has challenged the order dated 17.2.2007 passed by Additional Sessions Judge, Bhinmal (for short, 'the revisional court'). The revision petition filed by the petitioner against the order dated 21.7.2006 passed by the Additional Chief Judicial Magistrate, Bhinmal (for short, 'the trial court') was dismissed.

Heard learned counsel for the parties.

It is contended by the learned counsel for the petitioner that even for a moment, it is assumed that the injured Devendra Singh himself was negligent in causing the accident, then the police could have filed the challan against him. In the Police diary, it has been stated that injured Devendra Singh was not available for making statement, therefore the statement of Pratap Singh

who lodged the FIR has been recorded under Section 161 Cr.P.C. Thereafter on a protest petition, the injured Devendra Singh, Pratap Singh and other witnesses have been examined under Section 200 and 202 Cr.P.C. and on that basis, the trial court took cognizance. In my view, there is sufficient material to proceed against the petitioner for the offence under Sections 279, 337 and 338 IPC. Both the courts below concurrently found that there is sufficient ground to issue process against the petitioner to face trial.

In this view of the matter, it cannot be said that order taking cognizance would result in serious miscarriage of justice.

No case of interference under Section 482 Cr.P.C. is made out. The petition is therefore dismissed.

[H.R.PANWAR], J.

Praveen